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C O N F I D E N T I A L SECTION 01 OF 02 TOKYO 000205

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TAGS: [PREL](#) [PGOV](#) [MOPS](#) [JA](#)

SUBJECT: COLLECTIVE SELF-DEFENSE REPORT SLOWLY MOVES FORWARD

REF: 07 TOKYO 2357

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Classified By: Ambassador J. Thomas Schieffer per 1.4 (b/d)

11. (C) Summary: A high-level panel of foreign affairs and other experts has completed a first draft of a report examining scenarios involving collective self-defense -- currently considered unconstitutional -- and making legal and policy recommendations to address these issues. The panel, established by former PM Abe in May 2007, studied four cases, including Japanese defense of a U.S. vessel under attack and Japan's use of missile defense to intercept a ballistic missile fired at the United States. According to some panel members, Prime Minister Fukuda has been less than enthusiastic about the panel's work, and possibly for domestic political reasons instructed the panel to limit its ambit and address only two of the four scenarios. The panel nonetheless plans to issue its full report sometime this spring, and preliminary statements by panel members, all selected by former PM Abe, over the course of the past seven months have indicated a clear preference to reinterpret the Constitution to allow Japan to exercise the right to collective self-defense in all four scenarios. End Summary.

12. (C) Former Prime Minister Abe convened in May 2007 a special panel called the Council for the Reconstruction of the Legal Foundation for National Defense to examine four cases involving collective self-defense -- which is prohibited under the current interpretation of the Constitution -- and make recommendations for addressing these issues through legal or policy means. The four cases are: 1) defending U.S. vessels under attack on the high seas while carrying out joint drills with Self Defense Forces (SDF) vessels; 2) using missile defense to intercept ballistic missiles headed towards the United States; 3) defending troops of another country should they come under attack during UN-sponsored international peacekeeping operations; and, 4) providing logistic support, including the transport of weapons, to foreign militaries engaged in international peacekeeping operations.

13. (C) The panel, chaired by former Ambassador to the United States Shunji Yanai, includes a number of other high-powered figures in foreign policy and other circles, such as Tokyo University Professor Akihiko Tanaka, Ambassador Hisahiko

Okazaki, and Japan Rail Tokai Chairman Yoshiyuki Kasai. Ambassador Yanai told Embassy Tokyo on January 17 that he and the panel's core group had met twice over the past month to complete the first draft of the panel's report, the outline of which he shared with Chief Cabinet Secretary Machimura. According to Yanai, CCS Machimura continues to be "forthcoming" about the panel's activities.

¶4. (C) That said, Prime Minister Fukuda has been "less positive" about the report, according to both Yanai and Okazaki (protect). Ambassador Okazaki told Embassy Tokyo political officers that the PM instructed the panel to delete Scenario 1 (naval operations) and Scenario 2 (missile defense) from the report. Former PM Abe had stressed the importance of those two scenarios over the others, and they were the first to be considered by the panel. Ambassador Yanai added separately that the panel has pushed back, arguing that the PM could receive the report -- most likely through the Chief Cabinet Secretary -- without necessarily agreeing with its contents. The final report will cover all four categories, Yanai asserted. In a separate conversation with DCM, Assistant Cabinet Secretary Ando predicted that the Prime Minister would place heaviest emphasis on scenarios three and four because of his interest in passing a Permanent Dispatch Law.

¶5. (C) Political reporter Hiro Akita of Nikkei Shimbun -- the newspaper that initially reported the PM's desire to scrap parts of the panel's report -- told Embassy Tokyo that the PM likely sought to ensure that the report focused on "realistic" scenarios that could be used to bolster his administration's efforts to pass legislation giving the government permanent authority to dispatch the SDF within the constraints of Japan's Constitution. At the same time, the PM hoped to prevent the report from unintentionally playing into the hands of the opposition by somehow bolstering the

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arguments Ichiro Ozawa has made about what roles the SDF can take on internationally, Akita speculated. Yanai separately noted that the thinking of the panel and Ozawa "aren't that different."

¶6. (C) As for the panel's conclusions, both Yanai and Okazaki pledged to share the contents of the report when the panel had agreed on a draft. Preliminary statements by panel members over the course of the past seven months have indicated a clear preference to reinterpret the Constitution to allow Japan to exercise its inherent right to collective self-defense under the UN Charter in all four scenarios. The panel was initially tasked with providing former PM Abe with a report in the fall of 2007, but now believes that it will submit the report in March or April after the Diet's budget deliberations or after the passage of the budget, Yanai explained. Regardless of the panel's recommendations, it will take much time and legislative work to actually implement the recommendations contained therein, Okazaki said. SCHIEFFER